

**SWORN STATEMENT**

For use of this form, see AR 190-45. The proponent agency is PMG

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9387 Social Security Number (SSN)

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary

1. LOCATION HQ, 2d BCT, 10th MTN DIV (LI), Ft. Drum, NY	2 DATE (YYYYMMDD) 2011/01/20	3 TIME 1000	4. FILE NUMBER
5 LAST NAME, FIRSTNAME, MIDDLE NAME Miller, David M.	6 SSN	7 GRADE/STATUS O6/RA	
8 ORGANIZATION OR ADDRESS HQ, 2d BCT, 10th MTN DIV (LI), 10200 North Riva Ridge Loop, Ft. Drum, NY 13602			

9. I David M. Miller WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

I have been the Commander of 2d BCT, 10th MTN for approximately 40 months. I do not know my next assignment yet; SLD is telling me to stand by as they consider some nominative possibilities. I expect to find something out soon. I was not originally informed about the issues with PFC Manning's outbursts or his behavior. Once I was made aware of what was occurring, my staff and I conducted an After Action Review to look at ourselves and our processes. I wanted to look at Information Assurance, training, and all aspects of OPSEC and security. We also looked at BH and mental health. We implemented some changes based upon that internal look. It would have been helpful if I or other leaders had data from basic training and AIT upon which to make decisions, but that information does not come forward with Soldiers. There is a wall that keeps us from that information.

Approximately 60 days prior to deployment I had the unit look hard at the SRC Scrub. Another unit, 3BCT, 10th MTN barely made deployment strength. After that, FORSCOM guidance was that BCTs would take a hard look at their numbers. We didn't want to take the wrong personnel forward, nor did we want to leave a large rear D behind for a small staff to manage and lead. During this scrub, I was tracking 500 or 600 Soldiers that may have had deployment issues but I was not tracking PFC Manning personally; I was tracking the BCT as a whole. We reduced our numbers down to around 300 - mostly medical or chapters.

In Iraq, we assumed responsibility for 17 Joint Security Stations and Combat Outposts in eastern Baghdad. We had a BCT TAC at JSS LOYALTY in East Baghdad and the BCT TOC outside the city at FOB HAMMER. We generally were responsible for eastern Baghdad and partnered with an Iraqi Corps equivalent HQ and two separate Iraqi Divisions (1st Federal Police and the 9th Iraqi Army). We were helping the units to build their staff capacity and providing security for upcoming elections. After the elections our focus shifted to responsible drawdown and transition of security as well as JSS's and COP's to IA control.

It was during this time that a problem with my S2, MAJ Clausen, was coming to the forefront. MAJ Clausen's performance was not up to the standard that I expected. He could not provide a valuable intelligence picture or analysis in a manner that was useable to the unit as a whole or me as the Commander and our ability to assist the IA / IP. I discussed the issue with the BSTB Commander, then LTC Paul Walter. LTC Walter was also branched MI and understood what was necessary from an intelligence standpoint. Based upon discussions with LTC Walter and LTC Kems (XO), I decided it was best to remove MAJ Clausen from his position as the S2 and place CPT Lim into that job. CPT Lim was the MICO Commander and he had served as a battalion S2 for 2/14 on a prior deployment. He was capable and understood the unit. He is the type of officer who should be a Battalion Commander.

I placed him in the job and looked to LTC Walter to help provide some oversight. I did not get involved in the inner workings of the S2 department under CPT Lim's leadership. Based on our partnership requirements and our split TAC and TOC locations, all of my staff was relatively thin but rather than place inexperienced Intel personnel at the battalions, I chose to accept risk at the Brigade level instead of at more remote locations - particularly in a bottom up Intel driven fight.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <i>[Signature]</i>	PAGE 1 OF <u>5</u> PAGES
-------------	---	--------------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED

STATEMENT OF David M. Miller

TAKEN AT Ft. Drum, NY

DATED 2011-01-20

## 9 STATEMENT (Continued)

Most of the Military Intelligence Captain slots were filled by Lieutenants although they were designed for more senior officers. I had two battalions that had Lieutenants instead of Captains filling their intelligence positions. The Intel shops were doing a good job with the exception of MAJ Clausen. As a unit we met our training requirements with respect to IA, OPSEC, etc. Whether the training was enough is worth looking into. Based on after the fact discussions with my AS6 and S2, it might not be.

As the BCT Commander, I had a normal battle rhythm that had me circulating the battlefield all day and returning to Forward Operating Base (FOB) Hammer at night. During the elections and a few other critical times I C2'd the BCT from our TAC at JSS LOYALTY in order to be in the city 24 / 7.

I don't recall the specific OPSEC training pieces conducted during the AAR after the Manning arrest, but from what I understand, almost nothing would have stopped PFC Manning from doing what he did. I was made aware, after the fact of the unauthorized electronic media in the SCIF. He may still have gotten the information out of the SCIF even if every proper control measure was in place and executed properly because most checks are designed to control people who do not normally have access and not people who belong in the section. As an Army we may need to look at modifying control measures to look as much internally as we do at external threats.

With respect to the information side of the house, our current SIGO and our AS6 tell me that there is not enough training. The S6 in theater was average, but was not computer savvy. He worked hard but struggled. Until I got the AS2, CPT Cherepko, there was not enough knowledge about computer systems within my S6 shop. CPT Cherepko was competent and conducted other functions. He is the sort of officer who will put tough issues on the table. My observation is that there has to be more training and experience in this area to give more depth and expertise in the formation. There is even less knowledge at the BN level and below. Given that we were dispersed over 17 areas, it seems this could have occurred at any one of them.

A problem area that came to light was that one of my chaplains had to be separated from the Army for conduct unbecoming an officer and gentleman. CPT Cherepko was the only person in the unit who was able to look at the computer assigned to the Chaplain and perform the analysis that provided the information.

I also was having connectivity problems with the weekly updates to MG Wolff and had the staff come up with a solution for this problem. It was during this timeframe on the loss of connectivity that I was made aware there was unauthorized data on the system. I understood this was an issue hampering connectivity but not a security threat. The system was not working properly but after the removal of users and excess data, the system began to function better. There was only one person in the BCT who had the skills necessary to fix the computer systems—CPT Cherepko. I do not have special knowledge of the computers or the systems and the way they work. The Army provides units with a skilled person who understands this area but in this case, the S6 I was provided with simply did not have all the required experience. There was not training or training oversight provided to my S6 section from the division because the G6 of the division already deployed with the Division HQ's. The only training provided was institutional.

When I served as the Deputy COG for JRTC, I learned that one of the choke points we as an Army try to catch up on "important" or "required" specialty training is at CTC's during the first few days of MREs. The problem with this is that there is so much of it that it is impossible to fit it all in during the available time. I did not know all of what was happening with PFC Manning. There was a fit for duty determination during the deployment and I found out about it after the fact. I am not sure what the interplay was between the company chain of command and mental health. I understand better the facts of the case today, but I cannot say what the issue was that forced MSG Adkins to raise the red flag on PFC Manning.

When looking at who to take forward on deployment or who we sent back from Iraq, I looked at two set of criteria to determine whether to send some back. First, could the Soldier receive the type of care they needed in a deployed environment? Second, was the Soldier a threat to themselves or others? If the answers were no to the former and yes to the latter (if we could not safe guard him or her), we sent them home. I'll have to check the exact numbers, but we sent quite a few Soldiers home for BH issues and treatment. I was the approving authority for all release from theater including BH issues – the BCT surgeon and BCT CSM brought each recommendation to me. Manning was never brought to me.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 5 PAGES

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF David M. Miller TAKEN AT Ft. Drum, NY DATED 2011 01 20

9. STATEMENT *(Continued)*

From my perspective, the issues surrounding PFC Manning would have been something that the S2 personnel would have been more involved in than the company. One issue that could have impacted what occurred during that time period is that the former company commander, MAJ Dreher was relieved over property accountability and ethics issues and was not making good decisions. The new company commander was working through the property book issues, but either would have provided support if necessary.

As far as PFC Manning is concerned, we were the GRF prior to deployment and he was sharp as a briefer. He was not experienced at analysis but he was fine in making presentations. He might have been a little animated in his posture and military bearing but it never crossed my mind that there were any underlying issues. As time passed the presentations stopped and the unit focus changed to other things. My next visibility of PFC Manning occurred when we received guidance to detain him.

I broke out responsibility among the relevant staff in the following way: The XO had staff oversight, the S6 controlled all of the networks, and the S2 controlled anything dealing with the SCIF. I used the DCO to oversee the non-lethal arena and specific special projects. I controlled the lethal effects of the BCT and gave overall guidance for both lethal, non-lethal and all aspects of our partnerships with Iraqi forces. I had contact and interaction with the staff at my nightly updates and every other Friday was a more in depth staff update. I held twice a week breeze sessions with my battalion commanders and met with them all face to face at one of the BN HQ's every two weeks.

Upon returning to Ft. Drum from my trip to Leavenworth and my interview with LTG Caslen, I had my XO and staff provide me additional information based on questions he asked that I felt my responses were inadequate or not specific enough. The information provided below is from that effort:

#### BEHAVIORAL HEALTH

1. Number of behavioral health cases during Brigade's deployment: 300 (sleep, tobacco cessation, anger management, post-incident trauma)
  - Total number command referred: 24
2. Number of BH cases that resulted in either early redeployment or delayed return from EML: Approximately 16
3. Most command referred BH issues were briefed to me by BN CDRs as a matter of routine reporting. All release from theater were approved by me.
4. We also conducted a "State of the BCT" 100 Day review during the January time frame in theater. The purpose was to pulse the entire BCT for command climate, BH issues / trends, Soldier sense of purpose and understanding of the mission and its importance. This was done by teams of EO reps, Chaplains, PA's and a few others across the entire BCT at the platoon level. LTC Johnson has a hard copy of the results briefed to me.

#### INTELLIGENCE SECTION

1. Manning Command Referred?
  - Manning was command referred by both MAJ Dreher (Dec) and by CPT Freeburg (late May, prior to CJD arrest). Both doctors' assessments did not recommend redeploy. They recommend removing the bolt from his weapon and continue treatment.
2. MSG Adkins' performance as an NCO
  - Marginal, but not bad enough to either relieve or replace. Technically competent, lacked leader skills expected of a MSG (this info from the current BCT CSM with knowledge of the NCO).
3. What was the S2 section's supervisory structure in the SCIF? Was there anyone between PFC Manning and MSG Atkins?
  - Manning was a Shia analyst in the SCIF, and was supervised by SSG Balonek and CW2 Ehresman. However, within the 24 hour staffing of the SCIF, Manning worked the night shift, which consisted of four total analysts and 3 SIGINT personnel. On the night shift, SPC Padgett was the NCOIC of the night shift for the intel fusion section. Manning was placed on night shift because he was a good analyst and could be relied on to produce staff products on his own with little or no supervision—not to keep him out of the "main effort" on the day shift.

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 5 PAGES

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF David M. Miller TAKEN AT Ft. Drum, NY DATED 2011/01/20

9 STATEMENT (Continued)

4. At what point (by regulation) should a DEROG be initiated?

- Commanders (in conjunction with their unit security manager) are allotted 30 days to submit an initial DA 5248-R, following the discovery of credible derogatory information on a Soldier.
- After the initial DEROG is submitted and processed by SID/CCF, the unit has 90 days to submit a follow-up 5248-R, if there is a pending investigation or adverse action taken (e.g., summary court martial).
- Once the investigation/proceedings are completed and the Soldier has been cleared/charged of offense, the unit must submit a FINAL derog.

5. When was one initiated on Manning?

- The 2BCT security manager sent 2 x initial DEROGs to SID/DIV while in Iraq. The first was following his assault on SPC Showman OR May; the second initial DEROG was after CID arrested and charged him with the unauthorized use and disclosure of U.S. classified information. The follow up (final) DEROG was never submitted for either offense by 2BCT within the 90 day period (July/August).
- The final DEROGs were never submitted in the required timeframe because we believed that oversight of Manning's DEROGs were taken "out of our hands" due to the severity of his offense.

INFORMATION ASSURANCE/S6 SECTION

- Bandwidth / network problems with BCT HQ - when did they start? Method to fix?
  - 3.82 set the network to meet their needs, as a temporary outgoing unit. Upon RIP/TOA, we inherited their network and began reconfiguring it to meet our needs; part of this reconfiguration is establishing network priorities and optimizing data flow.
  - Minus random hardware failures, the internal 2BCT LAN/WAN was working acceptably. Connectivity outside of the Iraq theater was slow.
  - To ensure connectivity during CUBs, BUAs, and the Friday CG brief, we instituted measures including re-routing traffic and minimizing streaming video usage during sessions.
- Were we in compliance with published directives and DIV CDR guidance?
  - Yes.
- Who certified the certifiers? Was our IA Staff trained/accredited appropriately?
  - The IAM was fully certified and accredited, as was the IASO. The SA/NA was in compliance, but not certified.
- What, if any BCT directives did we emplace?
  - Disabled all computers that were not in compliance
  - Disabled all computers that had not been connected to the network for over 30 days
  - Disabled all user accounts that had not been active for over 30 days
  - Scanned for unauthorized media (music, movies and games), removed all media, and notified supervisors about unauthorized media found
  - Enforced limited domain admin rights on the network
- After the incident was identified:
  - Disabled all SIPR CD/DVD write capabilities in the BCT (months ahead of CYBERCOM directive)
  - Conducted a review of need for SIPR Accounts
  - Eliminated role based accounts' (e.g., 2bct.chops) ability to login to a computer

LTG Caslen asked about TRO training for our 53. I asked CPT Cherepko about this. According to him, there are 153 existing documents that describe 53 series related requirements – no one coherent document. He said he had no training in school with respect to knowing specific TRO requirements.

INITIALS OF PERSON MAKING STATEMENT: 

PAGE 4 OF 5 PAGES

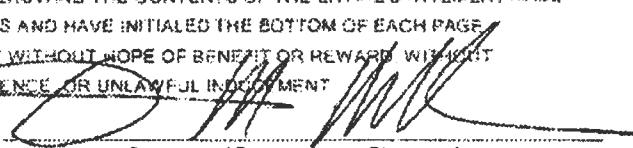
STATEMENT OF David M. Miller TAKEN AT Ft. Drum, NY DATED 2011 01 20

B STATEMENT (Continued)

Nothing further.

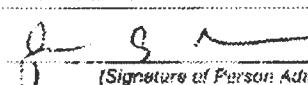
AFFIDAVIT

I, David M. Miller, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of January 2011  
at Ft. Drum, NY

  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

Jackie L. Thompson

(Typed Name of Person Administering Oath)

Art 136(b)(4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 5 OF 5 PAGES